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AVINASH SHARMA
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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 948 of 2021

Judgment Reserved On :23.09.2026.

Judgment Delivered On : 29.10.2026.

Jyoti Manjari Singh W/o Late Shri Rajeshwer Singh Aged About 49 Years R/o Village Mudhena, Tahsil District Mahasamud Chhattisgarh.

... Petitioner(s)

versus

1 - State Of Chhattisgarh Thorough Its Secretary, Mineral Resources Department, Mahanadi Bhavan, Atal Nagar, New Raipur, District Raipur Chhattisgarh

2 - Director Director Of Geology And Mining, Indrawati Bhavan, New Raipur, Atal Nagar, District Raipur Chhattisgarh

3 - The Collector (Mining Section), Mahasamund, Chhattisgarh.

... Respondent(s)

For Petitioner(s)	:	Shri Yogesh Chandra Pandey, Advocate.
For Respondent(s)	:	Shri Vivek Verma, Govt. Advocate.

Hon'ble Mr. Justice Amitendra Kishore Prasad

C A V Order

1. This Writ Petition has been filed against the order dated 02.09.2020 (Annexure P/9) passed by Respondent No.1 whereby order dated 28.01.2020 passed by Director, Geology and Mining, Nava Raipur Atal Nagar, Chhattisgarh in Revision Case No.68/2017 has been affirmed and prayer of the petitioner for adjusting the litigation period in the lease period

thereby extending it has been rejected stating no provision for that matter in the governing rules i.e. Chhattisgarh Minor Mineral Rules, 2015 (as amended). The petitioner has prayed for the following reliefs:-

> *"1) To quash the order dated 02.09.2020 passed by the Respondent No. 1 in Revision Application No. F-4-4/2020/12 (Annexure P-9) in the interest of justice and further the Hon'ble Court may direct the Respondents to extend period of lease for a period of 5 years which was lapsed during litigation in the interest of justice.*
> *2) Any other writ, order or direction which the Hon'ble Court deems fit in the interest of justice."*

2. Brief facts of the case are that Petitioner was granted a mining lease, which was subsequently required to be renewed in accordance with the applicable provisions of the Mining Act. The Petitioner submitted an application for renewal of the mining lease and pursued the matter before the competent authorities. The said application for renewal remained pending for a considerable period before the concerned authorities. The Petitioner also submitted a letter dated 29.02.2016 in relation to the pending renewal proceedings. Ultimately, the pending application of the Petitioner was allowed and an agreement dated 20.03.2017 was executed between the parties. Pursuant thereto, the earlier mining lease granted in favour of the Petitioner was renewed under the new applicable Act for the period from 13.12.2001 to 12.12.2031. Petitioner was aggrieved by the manner in which the lease period was calculated, as the period during which the Petitioner was prevented from enjoying/operating the mining lease on account of the pending proceedings was not taken into consideration. The Petitioner, therefore, preferred an appeal before Respondent No. 2, specifically

contending that the period consumed in litigation, i.e. 12.12.2011 to 19.03.2017, ought to be adjusted and the lease period ought to be correspondingly extended by a period of approximately five years, so as to ensure that the Petitioner is able to enjoy the full benefit of the lease period. The appeal preferred by the Petitioner was rejected by Respondent No. 2 vide order dated 28.01.2020 (Annexure P/7), primarily on the ground that there was no specific provision under the applicable Act providing for adjustment of the period spent in litigation. Being aggrieved by the aforesaid order, the Petitioner preferred a second appeal before Respondent No. 1, reiterating that the period during which the Petitioner was deprived of the benefit of the mining lease on account of the pending litigation ought to be excluded/adjusted and the lease period correspondingly extended. However, Respondent No. 1 also dismissed the appeal on the same ground that there was no express provision under the Mining Act permitting such adjustment. Hence this petition.

3. Learned counsel for the petitioner submits that Petitioner, before the competent authority, specifically relied upon the judgment of the Hon'ble Supreme Court in **Bhejraj Singh v. State of U.P. & Others, (2003) 1 SCC 726**, wherein the principle was recognized that the period during which the enjoyment/operation of a mining lease is affected on account of litigation is liable to be appropriately adjusted so that the lessee is permitted to operate the mining lease for the full period to which he is legally entitled, subject to adjustment of the period already availed. Despite the aforesaid judgment being specifically brought to the notice of Respondent No. 1, the said authority failed to consider and appreciate the applicability and effect of the

judicial precedents relied upon by the Petitioner. The impugned order dated 02.09.2020 has been passed merely by observing that there is no specific statutory provision for adjustment of the litigation period, without examining whether such adjustment is permissible in view of the principles laid down by the Hon'ble Supreme Court. Thus, the impugned order passed by Respondent No. 1 is therefore non-speaking, unreasoned and suffers from non-application of mind, as the material submissions and binding/pertinent judicial precedents relied upon by the Petitioner have not been properly considered. Respondent No. 1 has failed to adjudicate the Petitioner's claim on its own merits and has rejected the same solely on the ground of absence of an express statutory provision. The Petitioner submits that the period from 12.12.2011 to 19.03.2017, which was consumed in the proceedings and during which the Petitioner could not avail the benefit of the mining lease, ought to be duly accounted for and adjusted while determining the effective period of the lease. Denial of such adjustment would result in the Petitioner being deprived of a substantial portion of the lease tenure for no fault attributable to her.

4. Learned counsel for the State submits that the relief as prayed by the petitioner cannot be allowed only for the reason that the said period of got elapsed in the litigation period. He submits that it is undisputed that initially, by exercising the statutory powers provided under Chhattisgarh Minor Mineral Rules, 1996, the lease was provided to the husband of the petitioner for 10 years from 13.12.2001. The period of that lease came to end on 12.12.2011. Undisputedly, the application for renewal of mines was submitted by the petitioner's husband on 29.11.2010, but due to unprecedented

situation, the mining lease was not renewed on time and by virtue of Rule 18 (a) of Minor Mineral Rules, 1996, the lease granted to the petitioner was lapsed. At this stage, it is worthy to state here that, the matter was remanded to the Collector by the Director, Geology and Mining on 10.10.2012. Since, 10.10.2012, the matter was subjudice and during the pendency of the renewal, by repealing the Rules of 1996, the State government has formulated new rules known as Chhattisgarh Minor Mineral Rules, 2015. It came into effect from 27.03.2015. Rule 38 (a) of this Rule provides for a period of quarry lease where sub-rule of Rule 38 (a) specifically provides that all quarry leased granted before the commencement of this rule for minerals specified in Para 8 and Para C of the Schedule 1 and Para A of Schedule 2 shall be extended and to be deemed to have been extended upto period ending 31.03.2020 with effect from the date of expiry of the period of renewal last made from till the completion of renewal period if any, or a period of 30 years from the date of grant of such lease whichever is later subject to conditions that all terms and conditions of the lease stand complied with. Meaning thereby, Rule 38 (a) comes to levy to the lessee i.e. if their mining lease lapses prior to coming of its mining, then it may be deemed to be extended upto 31.03.2020 or for a period of 30 years from the date of grant of such lease whichever is higher. It is undisputed fact that the present lease fall under Part C of Schedule 1 and the mining lease of the said mine was already lapsed in the year 2011. Therefore, for the benefit of the petitioner, the respondent has calculated the higher period of 30 years from the date of initial grant of lease i.e. 12.12.2031 and therefore, as per the statutory guidelines and rules framed there under, the mining lease was extended to

2031 from the date of initial grant. This extension of period of 30 years from the date of initial grant includes all the time period which was spent for the litigation etc.

5. Heard counsel for the parties and perused the documents annexed with the petition carefully.

6. The principal question which arises for consideration is whether, in addition to the statutory tenure already granted up to 12.12.2031, the petitioner is entitled to a further extension equivalent to the period spent in the renewal proceedings/litigation.

7. In my considered view, the answer must be in the negative. The tenure of a mining/quarry lease is governed by the statutory provisions applicable to such lease. The petitioner has not been able to point out any provision under the Chhattisgarh Minor Mineral Rules, 2015 which mandates exclusion of the period spent in renewal proceedings from the statutory lease tenure or authorizes a further extension of the lease on that account.

8. The benefit available under Rule 38(a) of the 2015 Rules has already been extended to the petitioner by treating the lease as continuing for a period of thirty years from the original date of grant. Thus, the petitioner has been granted a lease tenure up to 12.12.2031. The period spent in the intervening proceedings cannot be added once again to the statutory tenure in the absence of any enabling provision under the governing Rules.

9. The reliance placed by learned counsel for the petitioner upon the judgment in ***Bhejraj Singh*** does not advance the petitioner's case in the facts and circumstances of the present matter. The entitlement of the petitioner has to

be determined in the light of the statutory scheme governing the lease in question. The petitioner cannot claim an additional period beyond the tenure prescribed and granted under the applicable statutory provisions merely on the ground that the renewal proceedings consumed time.

10. It is also relevant that the authorities have not curtailed the statutory tenure available to the petitioner. Rather, upon application of Rule 38(a) of the 2015 Rules, the petitioner has been granted the benefit of the thirty-year period calculated from the original date of grant, resulting in continuation of the lease up to 12.12.2031. The period spent in the intervening proceedings thus stands subsumed within the statutory period so determined.

11. In the absence of any statutory provision conferring a right upon the petitioner to seek exclusion of the litigation/renewal period and consequential extension of the lease beyond 12.12.2031, no mandamus can be issued directing the respondents to grant a further extension of approximately five years.

12. Consequently, I find no jurisdictional error or illegality warranting interference with the order dated 02.09.2020 passed by Respondent No.1 or the order dated 28.01.2020 passed by the Director, Geology and Mining.

13. Accordingly, the writ petition is **dismissed.**

Sd/-

(Amitendra Kishore Prasad)
Judge

Avinash

The date when the judgment is reserved	The date when the judgment is pronounced	The date when the judgment is uploaded on the website	
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23.09.2026	29.10.2026	------	29.10.2026